

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VICTORINOX AG,

Plaintiff,

-against-

B&B MEGA SERVICES LLC a/k/a XYZ
ENTERPRISES,

Defendant.
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09 Civ. 9266 (RJH)(FM)

ORDER

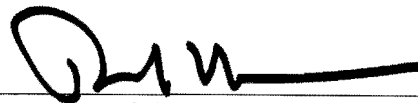
On October 21, 2010, Magistrate Judge Frank Maas issued a Report and Recommendation (the "Report") recommending that the Court enter judgment in favor of plaintiff Victorinox AG ("Victorinox") against defendant B&B Mega Services ("B&B") in the amount of \$600,000 as statutory damages and compensation for its attorneys' fees and costs and permanently enjoining B&B from further violations of Victorinox's trademarks. The Report noted that it could not conduct a meaningful review of the bills of Victorinox's counsel due to their heavily redacted nature. (*See* Report at 8.) On January 10, 2011, Judge Maas issued a Supplemental Report and Recommendation (the "Supplemental Report"). The Supplemental Report indicated that Judge Maas had reviewed unredacted bills of Victorinox's counsel but reiterated the recommendation in the Report of \$600,000 in damages. To date, the Court has neither received any objections to the Report nor any other communication, such as a letter requesting an extension of time in which to file objections, from Defendant.

The district court adopts a Magistrate Judge's report and recommendation when no clear error appears on the face of the record. See Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Having reviewed the Report and finding no clear error on the face of the record, it is hereby ORDERED AND ADJUDGED as follows:

1. The Report and Supplemental Report are ADOPTED by the Court in their entirety;
2. Pursuant to Magistrate Judge Maas's recommendation, damages are assessed against defendant B&B in the amount of \$600,000 as statutory damages and compensation for its attorneys' fees and costs and B&B is permanently enjoining B&B from further violations of Victorinox's trademarks.
3. The Clerk of the Court is requested to close this case.

SO ORDERED.

Dated: New York, New York
January 31, 2011

A handwritten signature in black ink, appearing to read 'R. J. Holwell', written over a horizontal line.

Richard J. Holwell
United States District Judge